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EXAMINER

SOTOMAYOR, JOHN

ART UNIT	PAPER NUMBER
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3714

26

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/455,956

Applicant(s)

HAMEEN-ANTTILA, TAPIO

Examiner

John L Sotomayor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9 and 11-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Response to Amendment*

1. In response to the amendment filed February 5, 2004, claims 3 and 10 are canceled and claims 1,2,4-9,11-34 and the newly presented claims 35-44 are pending.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1,2,4-9 and 11-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lobb et al (US 5,810,680) in view of Moriarty et al (US 6,062,991) in further view of Eiba (US 6,117,013).

Regarding claims 1,2,4-9 and 11-32, the paragraphs of the prior office actions (papers #16, 19, and 24) that explain, in detail, the instant claim features taught by Lobb et al, Moriarty

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et al and Eiba are incorporated herein. Regarding the newly added claim features of selecting a prompt display to be communicated to a mobile terminal based on the type of terminal (claims 1,7,12 and 24), and adapting selected sport data to a desired format for the output device (claims 1, 4 and 12), Lobb et al/Moriarty et al discloses an infra-red port that is used to communicate to a plurality of devices, both custom designed and off-the-shelf, to establish data interconnectivity in which the data communicated includes sports information adapted for display. Lobb et al/Moriarty et al does not specifically disclose selecting a prompt display to be communicated to a mobile terminal based on the type of terminal. However, Eiba teaches a network connected entertainment system in which mobile terminals consist of a plurality of devices such as mobile phones or personal data transmission devices (Col 4, lines 15-17), and in which data that represents an outcome of a sporting event is transmitted to a selected device and formatted for display on the selected device (Col 4, lines 26-40). Inherent to the process of selecting from among a plurality of devices is the requirement to format data for proper display on the selected device. Therefore, it would have been obvious to one of ordinary skill in the art to provide an infra-red port that is used to communicate to a plurality of devices, both custom designed and off-the-shelf, to establish data interconnectivity in which the data communicated includes sports information adapted for display as disclosed by Lobb et al/Moriarty et al with the ability to select a prompt display to be communicated to a mobile terminal based on the type of terminal as taught by Eiba for the purposes of providing greater flexibility in the use of the system for individuals who prefer to use a personal communication device to record sports information.

Regarding claims 37 and 41, Lobb et al/Moriarty et al does not specifically disclose allowing only a portion of the output data from the sport data server to pass through a sport data

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filter adapting device based on the desired format. However, Eiba teaches a coupling-in device that is adapted for filtering data output from the sport data server to the mobile terminal based on the desired format (Col 5, lines 12-25). Therefore, it would have been obvious to one of ordinary skill in the art to provide a system for transmitting sport information data to a mobile terminal as disclosed by Lobb et al/Moriarty et al with a device that is adapted for filtering data output from the sport data server to the mobile terminal based on the desired format as taught by Eiba for the purposes of delivering that information of most interest to the user of the mobile device.

Regarding claims 38 and 42, Lobb et al/Moriarty et al disclose a mobile network-interconnected device for the receipt and display of sports information. Lobb et al/Moriarty et al does not specifically disclose that the geographical location of the mobile terminal is received, by the sport server, from the public cellular communications network. However, Eiba teaches that the sport terminal may be a mobile phone, (Col 4, lines 15-17) and that the geographical location of the mobile terminal is received by the sport server from the public cellular communications network (Col 4, lines 58-67). Therefore, it would have been obvious to one of ordinary skill in the art to provide a system for transmitting sport information data to a mobile terminal as disclosed by Lobb et al/Moriarty et al with the geographical location of the mobile terminal received at the sport server from the public cellular communications network as taught by Eiba for the purposes of locating and communicating with mobile terminals attached to the system wherever the satellite telecommunications system is available.

4. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lobb et al in view of Moriarty et al in further view of Eiba in further view of Applicant Admitted Prior Art. The paragraphs of the prior office actions (papers #16, 19, and 24) that explain, in detail, the

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instant claim features taught by Lobb et al, Moriarty et al and Eiba are incorporated herein. In addition, applicant did not traverse the Official Notice given in the rejection of the instant claims in paper #24, therefore the Official Notice is now held as applicant admitted prior art.

5. Claims 35, 39 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lobb et al in view of Moriarty et al in further view of Eiba in further view of Wayner (US 5,557,717).

Regarding claims 35, 39, and 43, Lobb et al/Moriarty et al/Eiba disclose a mobile network-interconnected device for the receipt and display of sports information. Lobb et al/Moriarty et al/Eiba do not specifically disclose that the mobile device display parameters comprise at least one of horizontal resolution, vertical resolution, or colors of a display of the mobile terminal. However, Wayner teaches a handheld device for graphical display of sports information wherein the display parameters comprise at least one of a horizontal resolution, a vertical resolution, or a color of a display of the mobile terminal (Col 7, lines 32-39 and Col 8, lines 35-40). Therefore, it would have been obvious to one of ordinary skill in the art to provide a mobile network-interconnected device for the receipt and display of sports information as disclosed by Lobb et al/Moriarty et al/Eiba with display parameters that comprise at least one of horizontal resolution, vertical resolution, or colors of a display of the mobile terminal as taught by Wayner for the purposes of optimizing the presentation of sports information to the user.

6. Claims 36,40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lobb et al in view of Moriarty et al in further view of Eiba in further view of Emery et al (US 5,727,057).

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Regarding claims 36, 40 and 44, Lobb et al/Moriarty et al/Eiba disclose a mobile network-interconnected device for the receipt and display of sports information. Lobb et al/Moriarty et al/Eiba do not specifically disclose where the display parameters comprise at least one of an operating system used by the display, an operating system used by the mobile terminal, a connection speed of the mobile terminal, a processor power of the mobile terminal, and amount of memory of the mobile terminal, or a key for accessing the sport database. Emery et al a mobile telephone device in which a display mechanism is provided for a variety of visual data and touch screen processing capabilities (Col 9, lines 24-26) one of which is the entry of a key to access a subscriber database (Col 11, lines 5-7) which then allows the device to package the information into messages that are applicable to the users device type (Col 12, lines 20-24). Thus, display parameters can include a key for accessing a plurality of databases, including a sport database, located on the system server. Therefore, it would have been obvious to one of ordinary skill in the art to provide a mobile network-interconnected device for the receipt and display of sports information as disclosed by Lobb et al/Moriarty et al/Eiba with display parameters comprise at least one of an operating system used by the display, an operating system used by the mobile terminal, a connection speed of the mobile terminal, a processor power of the mobile terminal, and amount of memory of the mobile terminal, or a key for accessing the sport database as taught by Emery et al for the purposes of providing required system parameter and database information to the user.

***Response to Arguments***

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Applicant's arguments with respect to claims 1,2,4-9 and 11-44 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Sotomayor whose telephone number is 703-305-4558. The examiner can normally be reached on 6:30-4:00 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jls  
April 30, 2004

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line extending to the right.

**JESSICA HARRISON  
PRIMARY EXAMINER**